

DUBLIN AND EDINBURGH CORPORATIONS.

RETURN to an Address of the Honourable The House of Commons,
dated 21 July 1863;—for,

“COPY of any further CORRESPONDENCE between the Lord Lieutenant of Ireland, Ulster King of Arms, the Home Secretary, and Garter King of Arms, and of any other persons, on the subject of the PRECEDENCE between the CORPORATIONS of *Dublin* and *Edinburgh*.”

Whitehall,
23 July 1863.

H. A. BRUCE.

Major General Sir T. Larcom, K.C.B., to Mr. H. Waddington.

Sir,

Dublin Castle, 15 July 1863.

REFERRING to the former correspondence relative to precedence of the Cities of Dublin and Edinburgh, I am directed by the Lord Lieutenant to state, that as Secretary Sir George Grey referred to the opinion of Garter, as having weight in the matter, his Excellency thinks it due to the Corporation of Dublin to forward to Sir George Grey some observations of Sir Bernard Burke (Ulster), which seem to his Excellency to take some just exception to some of the statements made by Garter.

26th July.

H. Waddington, Esq.,
&c. &c.

I am, &c.
(signed) Thomas Larcom.

Sir Bernard Burke, Ulster King of Arms, to his Excellency the Lord Lieutenant.

My Lord,

Record Tower, Dublin Castle,
9 July 1863.

IN compliance with your Excellency's commands, I have the honour to submit some remarks on the letter of Garter King of Arms, dated 9th June 1863, and printed in the Return ordered by the House of Commons.

I would previously, however, direct your Excellency's attention to what I consider to be a misconception of the whole point at issue. The point at issue is not a question of nationalities, or of the relative superiority of Ireland over Scotland, or Scotland over Ireland. That question, a very invidious one, is not now raised, and will, I trust, never be; the only result which could arise from such a discussion would be to wound the feelings and the love of country of one or other of two very sensitive peoples. Scotland is, as your Excellency is well aware, naturally and justly proud of her great and glorious antecedents; Ireland, too, is not less proud of her past history. She might point to that early period when the light of knowledge was diffused by her over the gloom of other parts of Europe; and she might remind even England that, at the Council of Constance, in the fifteenth century, it was as Lord of the Kingdom of Ireland that the King of England claimed and was given precedence among Sovereigns. But such arguments as these need not be imported into the controversy, on which they have as little real bearing as those deduced from “Royal quarterings,” “National

tional Standards," "Marshalling of Arms," "Coins," "Banners," "Seals, &c." In argument, inference is but a feeble support; and "analogy," when attempted to be drawn from Acts of Parliament, a dangerous guide.

The only question to be determined is simply this, Which of two Corporations has the higher precedences? a right, I respectfully submit, to be determined, not by heraldic or analogous reasoning, but by municipal charters, Royal grants, and other legal evidence. At present, Edinburgh has not referred to any one charter or to one substantial documentary proof, but has rested her case on these inferences and analogies, and on arguments deduced from the place (not always the same) assigned to Scotland in the Royal Coat of Arms, and to the precedence given to the Scottish Peers by a specific clause of the Act of Union, available only for that single purpose. Dublin, on the contrary, asserts her precedence as derived from the charters she holds from King Henry II., King John, and subsequent monarchs, as well as from the higher privileges she possesses as a Corporation, from the antiquity of the City, and from her ancient prescriptive rights.

I will now proceed to notice, as concisely as I can, the statements of Garter King of Arms.

The foundation of Holyrood Abbey in the twelfth century by the Scottish King, David I., as referred to by Garter, has nothing to do with the question; nor has the fact, that at the same date Edinburgh was constituted a Royal burgh.

It seems to me that it proves the converse of what Garter seeks to establish. It shows that Edinburgh at that period was a mere burgh; and to quote the words of Maitland, the Edinburgh historian referred to by Sir Charles Young as an authority: "One of the boroughs which, about the middle of the fourteenth century, composed the Chalmersians Air, or Court, held yearly at Haddington, the county town of East Lothian." Many years had afterwards to elapse before Edinburgh was recognised as the capital of Scotland. For, again, to quote Maitland: "In the last year of King James I. (1436), a Parliament being held here for the first time, it (Edinburgh) began to be better looked on, and after the year 1456, when Parliament continued to be held therein, we may from that period date the time of its beginning to flourish, and of its justly being reckoned the capital of the kingdom." (*Hist. Edinburgh*, Vol. I. p. 6.)

Now, with reference to Dublin, it is quite clear that when Henry II. held his great Council there, and granted his charter to "my City of Dublin," Dublin was unquestionably the capital of Ireland. But argument or inference is not required here. Dublin is prepared to produce the very charters themselves on which she founds her rights as a Corporation. Let Edinburgh produce hers, and then we shall have more certain data to rest on than the opinion of one man or another.

It is asserted by Garter, that England became "an appannage to the Scottish Crown;" but, if this assertion be of any value, it goes to establish the superiority of Edinburgh over London, and Scotland over England. But England never became an "appannage of the Scottish Crown." The proclamation of Cecil, and the invitation of the officers of State, at the death of Queen Elizabeth, invited King James of Scotland, as the heir to her Crown, not as the receiver of an appannage. The King of a minor kingdom inheriting a greater by right of blood, does not take the greater as an "appannage." If so, when Henry IV. King of Navarre inherited the kingdom of France, France must have become the appannage of Navarre; and when the Elector of Hanover succeeded as King of Great Britain and Ireland, Great Britain and Ireland must have become the appannage of Hanover.

In fine, "appannage" does not mean this at all; it really means, according to Spelman and other jurists, the portion, such as a duchy or a barony, granted to a King's younger son, with a reversion to the Crown, and in its evident sense infers something inferior attached to, or taken *pro tempore* from, something superior.

Lancaster is not a city, but I cited that town and the City of Durham as instances of towns or cities preserving certain privileges, and yet becoming just the same as the other towns of Great Britain. By the Act of Union, Scotland was amalgamated with England into one kingdom, viz., Great Britain. Now it was not exactly the same with Ireland at the Irish Union. True, Great Britain and Ireland became one kingdom, but in effect Ireland preserved a separate national position; and, as the seat of a Viceroy, its chief city remained a capital.

The existence of a Viceroy in Dublin operates thus in favour of Dublin: "A Viceroy," says Dr. Johnson, "is one who governs a tributary kingdom with regal authority." That being so, the seat of such regal authority has always been
treated

treated as a capital city. Thus was Mexico, the seat of the viceroyalty of the Indies, under Spain, recognised as a capital city; thus was Milan, the capital of the viceroyalty of Lombardy; and thus is Grand Cairo, the capital of the viceroyalty of Egypt. All cities, great and small, in the United Kingdom, are equally under the supreme government of the Sovereign; but to be capital of a viceroyalty places the city so honoured next in rank to the capital of the Sovereign.

Referring to the statement about Louis XIV. causing the new arrangement of the quarters to the Scotch Union, I would observe that, in the first place, Louis XIV. never complained of the marshalling of the shield, but that the arms of France were there at all; but whatever was his complaint, it was not listened to at the peace of Ryswick, or at any time. It can hardly be supposed that when the Union occurred with Scotland, at a time when we were in the midst of a great and victorious war against France, and had only just before celebrated the triumph of Ramilies, when the Earl of Galway was, in despite of Louis XIV., taking possession of Madrid, it can hardly, I say, be supposed that Queen Anne altered her quarterings to please the King of France.

To the doctrine insisted on by Sir Charles Young, that an Act of Parliament which alters the precedence of one body of men can, "by analogy," be made to take away the precedence of others not named in it, I demur *in toto*. All the Act of Union did on this point was, by a specific clause, to place Scottish above Irish peers: that Act cannot by "analogy" be construed to affect the rights of any other class not named in it. Such a doctrine is subversive of all constitutional and legal principles. As well might it be said that an Act of Parliament which attainted John Browne for treason could, "by analogy," be made to attain John Smith (another participant in the same treason), who was not named in the Act. Barons of England, Ireland, and Scotland, hold at this moment the exact precedence granted to them by their respective patents, according to the priority and seniority of their creations, unaffected by the Acts of Union, which Acts do not name barons at all. Consequently, Sir Charles Coote, baronet of Ireland, does retain his precedence of 1620, and should not give place to Sir James Fergusson, created a baronet of Scotland in 1703.

The privilege of presenting addresses to the Sovereign on the Throne was claimed by the Corporation of Dublin, and it was admitted by his Majesty King George IV. at his Court, at St. James', in January 1821, when Alderman Abraham Bradley King was Lord Mayor, as appears by the "Assembly Book of the Corporation of Dublin," which contains a resolution by the Corporation, in acknowledgment of the Lord Mayor's eminent services upon that occasion. The presentation of the address of the Corporation of the City of Edinburgh, in 1822, to his Majesty King George IV., at Holyrood Palace, on the Throne (the King then being in Edinburgh), cannot be extended to a right to present addresses to the Sovereign on the Throne elsewhere than in Scotland. Besides this privilege of presenting addresses to the Sovereign on the Throne, London and Dublin alone have the privilege of presenting petitions at the bar of the House of Commons; and on the occasion when this right was claimed by and allowed to the Lord Mayor of Dublin, 23d February 1813, the late Sir Robert Peel described Dublin as "the second city of the Empire."

Sir Charles Young states that "the style of Lord Mayor was not given to the Chief Magistrate of Dublin until the mayoralty of Sir Daniel Bellingham, in 1665, whilst the prescriptive style of Lord Provost was enjoyed by the Chief Magistrate of Edinburgh, according to Maitland's History, in the year 1609." If Garter had examined the Charter of King Charles I., 29th July 1642, he would have found that the date he assigns for the grant of the title of Lord Mayor of Dublin is altogether incorrect. That title was given by the King to the Chief Magistrate of Dublin in 1642, the Earl of Leicester being "Lord Lieutenant," and "Thomas Wakefield" being Mayor, and not, as Garter states, in 1665; and if Garter had also examined Maitland's work carefully on the subject, he would have ascertained, at page 227, the value of this prescriptive right which he claims for the Provost of Edinburgh. "I think it will not be amiss (says Maitland) to observe, that the title of Lord, annexed to that of Provost, being by prescription and not by grant, every Provost within the Kingdom has as great a right to that epithet as the Provost of Edinburgh hath." Another quotation from a great law authority in Scotland, Lord Fountainhall (*Decisions*, Vol. 1, p. 400), throws, however, full light on the subject: "The town Edinburgh, in a competition betwixt them and the College of Justice, about the precedency in electing a

Regent of Humanity in the College of Edinburgh, got a letter from the King, in 1667, by Sir Andrew Ramsay, then their Provost's procurement, determining their Provost should have the same place and precedence within the town precincts that was due to the Mayors of London or Dublin, and that no other Provost should be called Lord Provost but he." This letter from King Charles II. to Sir Andrew Ramsay, in 1667, is obviously the earliest authority to the Chief Magistrate of Edinburgh to bear the title of Lord Provost; while King Charles the First's Charter had conferred the title of Lord Mayor 26 years before on the Chief Magistrate of Dublin. King Charles's letter, your Excellency will observe, assigns to the Provost of Edinburgh, when granting him the title of Lord, place and precedence that was due to the Mayors of London or Dublin, thus unquestionably showing that these two Corporations were the highest in precedence, Dublin being second only to London, and showing also that Edinburgh came after Dublin.

I trust I have not in the remarks I have had the honour of submitting to your Excellency given expression to a single observation derogatory to the great Scottish nation; such could not be the intention of one who holds in the highest admiration, Scotland, her history, and her people; and I am equally hopeful that I have not used one word disrespectful to the learned Garter King of Arms, who has so long and so honourably presided over the English College of Heralds.

I have thus endeavoured, to the best of my ability, to obey your Excellency's commands; and in conclusion I will venture to add, that from the reign of Henry II. down to this very time, Dublin has been always recognised as the second city in the English dominions, as the Corporation next in honour and precedence to the City of London. Such it was considered when the early Plantagenet Sovereigns conferred on its citizens the rights and privileges of the City of London; such it was considered when King Henry IV. authorised by charter the Mayor of Dublin to have a sword borne before him, as the Mayor of London had; such it was considered when King Charles I. in 1642, conferred the title of Lord Mayor on the Chief Magistrate of Dublin; such was it considered when King Charles II. granted to its Lord Mayor the privilege of having the Cap of Maintenance and the Collar of S. S., as the Lord Mayor of London had; such it was considered when the last-named Monarch, in 1667, allowed the Chief Magistrate of Edinburgh to take the title of Provost, and to have the precedence that "was due to the Mayors of London and Dublin;" such it was considered when the House of Commons allowed the right of the Lord Mayor of Dublin to present in person the petitions of the Corporation, and the late Sir Robert Peel emphatically styled Dublin "the second city of the Empire;" such it was considered when His Most Gracious Majesty King George IV. conferred, in 1821, on the Corporation of Dublin the high honour of presenting addresses to the Sovereign on the Throne; and such it was considered when Her Most Gracious Majesty Queen Victoria received at Windsor, in the present year, addresses from the Corporations of London, Dublin, and Edinburgh.

It is only now the first time that this ancient and honourable precedence is disputed; and I do hope that before such a right is taken from a very old and loyal city, good and legal and valid reason may be shown, not inference and analogy, but documentary and positive evidence, which will satisfy the Crown and satisfy the citizens of Dublin.

The City of Dublin is prepared to submit all its charters, and to establish by legal evidence the right of precedence, as a Corporation, next to that of London, which it has possessed for a period of more than six centuries.

I have, &c.
(signed) *J. Bernard Burke,*
Ulster.

His Excellency
The Lord Lieutenant, &c.

DEBILLY AND EDINBURGH CORPORATIONS.

COPY of any further Correspondence between
the Lord Lieutenant of Ireland, Under King of
Arms, the Home Secretary, and Quarter King of
Arms, and any other Person, on the subject of
the Partnership between the Corporations of
Dublin and Edinburgh.

(*Mr. Vance.*)

*Ordered by The House of Commons, in Private,
24 July 1863*
